

Resolution 2

Date: July 22, 2025

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Concurrent Resolution Of The Board Of Directors Of The Sonoma County Water Agency And Its Associated Sanitation Districts (Occidental, Russian River, South Park, And Sonoma Valley County Sanitation Districts) (Districts), Delegating Authority To The General Manager Of Sonoma County Water Agency, Or A Qualified Designated Employee Representative, To Implement The Procedures For Summary Vacations Of Public Service Easements Pursuant To The California Streets And Highway Code, Section 8335 (a)(2). ((Majority Vote Required))

Whereas, Sonoma County Water Agency (Sonoma Water) owns and operates the Sanitation Zones (Airport-Larkfield Wikiup, Geyserville, Penngrove and Sea Ranch Sanitation Zones), and accepts easements for the benefit of the Sanitation Zones; and

Whereas, Sonoma Water manages and operates the Sanitation Districts under agreement between Sonoma Water and the Districts; and

Whereas, Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336) provides that: The legislative body of a local agency, or any public officer or qualified employee authorized by the legislative body may summarily vacate a public service easement by Summary Vacation when certain conditions are met and by adopting a resolution of vacation; and

Whereas, for a Summary Vacation, Sonoma Water staff currently prepares a Board item for approval and a resolution of vacation for adoption by the respective Board, then the Clerk of the Board or Sonoma Water records the resolution of vacation at the Clerk-Recorder's Office authorizing the Summary Vacation of the easement(s) and upon such recordation the vacation is complete; and

Whereas, the associated administrative costs for preparation of a Summary Vacation for Board approval and adoption of the resolution of vacation is approximately \$10,000 to \$15,000; and

Whereas, in some instances the cost can be offset by collecting an administrative fee from a requesting property owner, however there are times when Sonoma Water or Districts wish to vacate an easement no longer necessary for its use and purposes to eliminate the burden of maintenance and liability associated with retaining the easement; and

Whereas, Sonoma Water and Districts wish to increase flexibility and efficiency by reducing administrative costs and the time associated with preparing and presenting a Board item and a resolution of vacation for approval and adoption by the respective Board; and

Whereas, Section 8335 (a)(2) of California Streets and Highways Code provides that: The legislative body may delegate the authority to vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code, pursuant to the authority provided in this chapter by recordation of a document containing the information in subdivision (b);

The resolution of vacation shall state all of the following pertaining to public service easements:

(1) That the vacation is made under this chapter.

(2) The name or other designation of the public service easement and a precise description of the portion vacated. The description of the portion vacated may be by a precise map which is recorded or to which reference is made in the resolution and which is permanently maintained by the public entity.

(3) The facts under which the summary vacation is made. The resolution is prima facie evidence of the facts stated.

(4) That from and after the date the resolution is recorded the public service easement vacated no longer constitutes a public service easement.

(5) Certification that all entities having any right, title, or interest in the public service easement being vacated have been notified of this action; and

Whereas, Sonoma Water requests the Boards of Directors (Boards) delegate authority to the General Manager of Sonoma Water, or a qualified designated employee representative, to implement the procedures for Summary Vacations pursuant to the Streets and Highway Code Section 8335 (a)(2); and

Whereas, Sonoma Water has prepared a template form of an administrative resolution of vacation, attached to this Resolution as Exhibit A, as an example of how Summary Vacations would be prepared by Sonoma Water; and

Whereas, Sonoma Water requests the Boards delegate authority to Sonoma Water to record an administrative resolution of vacation in the form provided as Exhibit A, or in a similar form as approved by County Counsel, at the Clerk-Recorder's Office and upon such recordation the vacation is complete; and

Whereas, Sonoma Water requests the Boards delegate authority to Sonoma Water to make modifications to the administrative resolution of vacation form from time to time, in a form approved by County Counsel, to remain compliant with the Streets and Highways Code or to meet other needs consistent with the findings and intent of this Resolution; and

Whereas, pursuant to Section 65402 of California Government Code, a proposed easement vacation must be submitted to the planning agency within whose jurisdiction the proposed vacation is situated for conformity of the adopted General Plan; and

Whereas, vacating an easement is routinely found to be compliant with the General Plan, however, if the vacation is determined not to conform to the General Plan by the local planning agency, Sonoma Water would prepare a Board item and resolution of vacation with appropriate findings to present to the respective Board for approval; and

Whereas, the Boards have previously delegated authority for discretionary projects to Sonoma Water's General Manager for the implementation and compliance under the California Environmental Quality Act (CEQA); and

Whereas, Sonoma Water staff have the scientific and technical expertise to determine how best to comply with CEQA; and

Whereas, if a proposed summary vacation of an easement does not meet the requirements for an exemption under CEQA pursuant to Section 15061(b)(3), the abbreviated procedure described above would not be implemented by Sonoma Water, and the Summary Vacation of the easement would come to the respective Board for approval.

Now, Therefore, Be It Resolved

1. All of the recitals above are true and correct.
2. The General Manager of Sonoma Water, or qualified designated employee representative, is authorized to implement the procedures for Summary Vacations pursuant to Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336) by an administrative resolution of vacation attached hereto as Exhibit A, or in a similar form as approved by County Counsel.

- ### Be It Further Resolved

The Boards hereby authorize and direct Sonoma Water to record the administrative resolution of vacation at the Clerk-Recorder's Office, and upon such recordation the vacation is complete.

Abstain:

Resolution #25-

Date:

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So Ordered.

Directors: Sonoma Valley County Sanitation District

Hermosillo:

Rivas:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

EXHIBIT “A”

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

Exempt from recording fees pursuant GC 27383
Portion of APN: [Enter APN]

Confirms Title in Grantor's name

Administrative Resolution of Vacation No. [Enter File Id Number]

Administrative Resolution No. [Enter File Id Number] of the General Manager of
Sonoma County Water Agency to summarily vacate an easement at [Enter Location
Address & Assessor’s Parcel Number(s)]

Administrative Resolution of Vacation No. [Enter File Id Number]

**Administrative Resolution By The General Manager Of Sonoma County
Water Agency (Sonoma Water) To Summarily Vacate An Easement At
[Enter Location Address & Assessor's Parcel Number(s)]**

Whereas, [If Sonoma Water] Sonoma Water wishes to summarily vacate the easement(s) it accepted referenced in this administrative resolution of vacation; and

Whereas, [If District] District wishes to summarily vacate the easement(s) it accepted referenced in this administrative resolution of vacation; and

Whereas, [If District] Sonoma Water manages and operates the [Enter District] under agreement between Sonoma Water and the District; and

Whereas, [If District] Section 4743 of the California Health and Safety Code provides that a county sanitation district may dispose of property interests when they are no longer required for the purposes of the district; and

Whereas, [If Sanitation Zone] Sonoma Water owns and operates the [Enter Zone], and Sonoma Water wishes to summarily vacate the easement(s) it accepted on behalf of the [Enter Zone] referenced in this administrative resolution of vacation; and

Whereas, Section 8335 of the California Streets and Highways Code allows the legislative body to delegate authority to summarily vacate a public service easement to any public officer or employee qualified to prepare easements or approve parcel and final maps; and

Whereas, The Boards of Directors of the Sonoma County Water Agency (Sonoma Water), and its associated Sanitation Districts (Occidental, Russian River, South Park, and Sonoma Valley County Sanitation District) adopted concurrent Resolution No. 25-[00] delegating authority to the General Manager of Sonoma Water, or a qualified designated employee representative, to summarily vacate any public service easement by administrative resolution of vacation; and

Whereas, The General Manager of Sonoma Water now intends to vacate [a portion of] the easement granted to [Enter Entity] as described in that certain [Enter Document Type] recorded on [Insert Date] in Book [XXX] of Official Records, Page [XXX], [or] recorded on [Insert Recording Date of Document], under Document Number [Insert Recorded Document Number], Official Records of the County of Sonoma, [said portion being described in the legal description attached hereto as Exhibits [A, B, and C]; and shown for reference on the attached Exhibits [A-1, B-1 and C-1]

Now, Therefore, Be It Resolved By The General Manager of Sonoma Water That:

1. The General Manager of Sonoma Water certifies the following findings and determinations:
 - a) The Easement at [Enter location address], is unnecessary for the use and purposes of [Enter Entity]; and
 - b) All entities having any right, title or interest in the public service easement being vacated have been notified of this action.
2. The General Manager of Sonoma Water does hereby order that the [Enter Type of Easement] shall be vacated based on the findings made in Section 1 of this administrative resolution of vacation, under the authority of California Streets and Highways Code Section 8335.
3. The General Manager of Sonoma Water authorizes and directs Sonoma Water staff to record this administrative resolution of vacation at the Office of the County of Sonoma Clerk-Recorder.
4. The [Enter Type of Easement] will no longer constitute a public service easement from and after the date of recordation of this administrative resolution of vacation.

Approved:

Approved as to Content:

By: _____
Grant Davis
General Manager

By: _____
Mike Jones
Water Agency Principal Land Surveyor

Approved as to Form:

By: _____
Adam Brand
Assistant County Counsel